

EXHIBIT 17

*Washington Dept. of Ecology v. Acquavella, et. al.*,  
Order Responding to United States' Motion for  
Clarification dated April 17, 1985

CLERK'S STAMP

ACCEPTANCE OF SERVICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR YAKIMA COUNTY

IN THE MATTER OF THE DETERMINATION )  
OF THE RIGHTS TO THE USE OF THE )  
SURFACE WATERS OF THE YAKIMA RIVER )  
DRAINAGE BASIN, IN ACCORDANCE WITH )  
THE PROVISIONS OF CHAPTER 90.03, )  
REVISED CODE OF WASHINGTON, )

No. 77-2-01484-5

THE STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )

ORDER RESPONDING TO  
UNITED STATES' MOTION  
FOR CLARIFICATION  
DATED APRIL 17, 1985

Plaintiff, )

v. )

JAMES J. ACQUAVELLA, et al., )

Defendants. )

This matter comes before the Court on motion of defendant,  
United States of America, requesting clarification of this Court's  
Memorandum Opinion, filed March 12, 1985. Charles E. O'Connell, Jr.  
of the United States Department of Justice representing defendant  
United States, Donald H. Bond representing defendants Union Gap  
Irrigation District and Yakima Valley Canal Company, H. K. Dano  
representing defendant Kittitas Reclamation District, and Charles  
B. Roe, Jr., representing plaintiff, presented views on said motion.

This Court, having heard oral presentations, read the memorandum  
of movant, examined the aforementioned Memorandum Opinion (and this

KENNETH O. EIKENBERRY, ATTORNEY GENERAL

Charles B. Roe, Jr.

S.L. Assistant Attorney General  
Temple of JusticeOlympia, Wa. (206) 459-6162  
98504 Telephone

2883

1 Court's related Order Re: United States' Motion to Dismiss or  
2 Dismiss the United States, dated June 6, 1985), and otherwise  
3 being fully advised, reaffirms that the scope of water right  
4 claims subject to adjudication in this proceeding relates to  
5 claims to rights to use surface waters of said basin and, in  
6 relation thereto, that claims of the United States and all other  
7 claimants to rights to withdraw groundwaters of the basin are not  
8 subject to adjudication in this proceeding. Therefore, this case  
9 is not intended to bar the assertion and adjudication of the  
10 United States' federally reserved rights or the rights of other  
11 claimants to the use of the groundwaters, to the extent that they  
12 exist, of the Yakima River Basin in any future proceeding.

13 ENTERED this 8<sup>th</sup> day of January, 1986

14  
15 Walter Stauffer  
16 JUDGE

17 Presented by:

Presentment waived:

18  
19 Charles B. Roe, Jr.  
20 CHARLES B. ROE, JR.  
21 Senior Assistant Attorney General  
Attorney for State of Washington

22  
23 Charles E. O'Connell, Jr.  
24 CHARLES E. O'CONNELL, JR.  
25 Attorney for Department of  
Justice for United States of  
America

26  
27 Donald H. Bond  
DONALD H. BOND  
Attorney for Union Gay Irriga-  
tion District and Yakima Valley  
Canal Company

ORDER RESPONDING TO  
UNITED STATES' MOTION  
FOR CLARIFICATION